IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

| DONALD TERRY MOORE, |) | |
|----------------------|-------------|---------------|
| Petitioner, |))) | NO. 3:06-0333 |
| v. |) | JUDGE HAYNES |
| GLEN TURNER, Warden, |) | |
| Respondent. | ý | |

ORDER

In accordance with the Memorandum filed herewith, the Respondent's renewed motion to dismiss (Docket Entry No. 14) is **DENIED without prejudice** to renew after an evidentiary hearing. The evidentiary hearing is set for **Friday, November 16, 2007 at 9:00 a.m.**

It is so **ORDERED**.

ENTERED this the 21 day of September, 2007.

United States District Judge